IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 23RD MARCH 2007 / 2ND CHAITHRA 1929

WP(C).No. 31128 of 2005(E)

PETITIONER:

K.V.ARAVINDAN, S/O.VELAYUDHAN,
KOLLARA HOUSE, EDATHURUTHY VILLAGE,
KODUNGALLUR TALUK, THRISSUR DISTRICT.

BY ADV. SRI.T.A.SHAJI
SMT.T.V.NEEMA

RESPONDENTS:

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1. THE DISTRICT COLLECTOR, THRISSUR.

2. THE TAHSILDAR, KODUNGALLUR.

3. THE ASSISTANT EXCISE COMMISSIONER,
THRISSUR.

4. THE EXCISE COMMISSIONER,
COMMISSIONERATE OF EXCISE, THIRUVANANTHAPURAM.

5. COMMISSIONER, LAND REVENUE,
THIRUVANANTHAPURAM.

6. STATE OF KERALA, REPRESENTED BY THE
PRINCIPAL SECRETARY TO GOVERNMENT,
TAXES DEPARTMENT, THIRUVANANTHAPURAM.

BY ADV. SMT.SMITHA, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C)No. 31128/2005

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1 COPY OF THE NOTICE OF SALE OF IMMOVABLE PROPERTY DATED 18/12/2002 OF THE 2ND RESPONDENT.

EXT.P2 COPY OF THE NOTICE DATED 18/11/ OF THE 1ST RESPONDENT.

EXT.P3 COPY OF THE ORDER DATED 20/12/2002 OF THE 1ST RESPONDENT.

EXT.P4 COPY OF ORDER NO.LR(b) 7-2921/2003 DATED 31/01/2003 OF THE 5TH RESPONDENT.

EXT.P5 COPY OF THE REPRESENTATION DATED 27/05/04 SUBMITTED BY THE PETITIONER BEFORE THE 6TH RESPONDENT,

EXT.P6 COPY OF THE INTERIM ORDER DATED 04/11/2005 IN W.P.(C)No. 11181/2005 OF THIS HON'BLE COURT.

RESPONDENT'S EXHIBITS

ANNEXURE A COPY OF THE PARTNERSHIP DEED.

COPY OF REPORT DATED 07/02/2006 SUBMITTED BY THE TAHSILDAR, KODUNGALLUR.

COPY OF REPORT DATED 23/03/2006 SUBMITTED BY THE TAHSILDAR, KODUNGALLUR.

// TRUE COPY //

PA TO JUDGE

jg

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 31128 of 2005 E

Dated, this the 23rd day of March, 2007

J U D G M E N T

The petitioner is in huge kist arrears to the Government. The Government has not been able to locate any property of the petitioner for recovery. The only asset traced out by the respondents is the petitioner's share in the bar hotel. The learned Government Pleader submitted that on enquiry it is understand that though the bar hotel is apparently run in partnership and even though there are other partners on record, petitioner is the actual owner of bar hotel. The bar lincence has been renewed for several years under conditional orders of this Court i.e. on payment of Rs. 25 lakhs towards arrears besides renewal fees. The learned counsel for the petitioner submitted that licence fee itself is now increased by four lakhs for this year and therefore petitioner prays for a reduction in the amount of arrears to be paid for renewal of licence. The learned Government Pleader on the other hand submitted that higher amount of arrears should be ordered to be remitted. In the

circumstances and having regard to petitioner's constraints, I direct the respondents 4 & 5 to grant renewal of bar licence to the petitioner's Bar on the petitioner or the Managing Partner of the bar hotel, remitting Rs. 30 lakhs towards arrears along with renewal fees.

This W.P.(C) is disposed of as above.

(C.N.RAMACHANDRAN NAIR, JUDGE.)

jg